

EXHIBIT 4

HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

Page 178

10 _____ /
11
12 HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY
13
14 VIDEOTAPED DEPOSITION OF ALEXANDER (SASHA) ZBROZEK
15 VOLUME II
16 WEDNESDAY, SEPTEMBER 6, 2017

20 Reported by:
21 Anrae Wimberley
22 CSR No. 7778
23 Job No. 2693569
24
25 Pages 178 - 317

HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

Page 208

1 A. In hindsight, there is a very small amount of 14:37:00
2 code in there. 14:37:01

3 Q. And how do you know that? 14:37:03

4 A. I don't know if it was true in 2015, but I 14:37:07
5 know that, at least today, there is some amount of 14:37:12
6 code in there that I committed, and so my own code is 14:37:16
7 in there. 14:37:17

8 Q. And you put that in when? 14:37:19

9 A. I don't remember. 14:37:21

10 Q. This year? 14:37:22

11 A. I don't remember. 14:37:23

12 Q. At least at the time that you wrote this, as 14:37:27
13 far as you knew, there was no code or user data; is 14:37:31
14 that right? 14:37:34

15 A. I would say that it was not exhaustive. It's 14:37:36
16 possible that there was some code in there. I don't 14:37:40
17 think there was any user data in there. 14:37:42

18 Q. And then you say "it's pretty low value." 14:37:45

19 Do you see that? 14:37:46

20 A. I do see that. 14:37:47

21 Q. And that was true, wasn't it? 14:37:49

22 MR. BAKER: Objection to form. 14:37:50

23 THE WITNESS: What do you mean? 14:37:51

24 BY MR. GONZALEZ: 14:37:51

25 Q. Do you want me to define "true"? 14:37:53

HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

Page 209

1 A. No. I am asking you to define "low value." 14:38:00
2 Q. Those are your words. 14:38:03
3 A. So I will say that this is a very relative 14:38:06
4 thing. And Google data policies were designed with 14:38:14
5 code and user data in mind and were perhaps not the 14:38:18
6 greatest fit for the kind of data that we wanted to 14:38:20
7 store and that relative to instantly Google ending 14:38:28
8 data breaches, that the data that was in the 14:38:32
9 Subversion server would be considered of lesser value. 14:38:36
10 But by how much, I don't know; and in absolute terms, 14:38:40
11 I have no idea. 14:38:41
12 Q. All right. Bryan Salesky was your boss at 14:38:45
13 the time? 14:38:45
14 A. I don't think so. 14:38:47
15 Q. Who was Bryan Salesky to you at that time? 14:38:50
16 MR. BAKER: Objection to form. 14:38:51
17 THE WITNESS: I don't remember for sure, but I 14:38:53
18 think he was my skip-level manager. 14:38:57
19 BY MR. GONZALEZ: 14:38:57
20 Q. Somebody that you reported to? 14:38:59
21 A. Not quite. I had a manager that I reported 14:39:03
22 to. Bryan was not that manager. I don't remember the 14:39:08
23 org. chart exactly, especially in 2015, but I think 14:39:13
24 that my -- I think that Bryan was my manager's 14:39:22
25 manager, but that is all researchable. 14:39:25

HIGHLY CONFIDENTIAL - ATTORNEYS EYES ONLY

1 BY MR. GONZALEZ: 15:04:39

2 Q. And then you wrote, "Doesn't ring the alarm 15:04:43

3 bells for me"; right? 15:04:44

4 A. I did write that. 15:04:47

5 Q. And it didn't ring the alarm bells for you, 15:04:51

6 did it? 15:04:52

7 A. I will say that, on its own, as a single 15:04:58

8 action in absence of context, pulling the Subversion 15:05:03

9 repository is not suspicious, but that as part of a 15:05:09

10 larger narrative, you know, suspicion may or may not 15:05:12

11 come into play, right. You know, if the logs -- if 15:05:18

12 the logs showed, you know, someone pulling information 15:05:23

13 and putting that information somewhere else and then 15:05:27

14 leaving the company, maybe that's suspicious. Maybe 15:05:29

15 just looking at the log files on their own isn't 15:05:34

16 enough to tell that story. 15:05:36

17 Q. Did you ask for any changes to be made to the 15:05:39

18 maintenance of the data after your investigation? 15:05:44

19 MR. BAKER: Objection to form. 15:05:45

20 THE WITNESS: I don't remember. 15:05:48

21 BY MR. GONZALEZ: 15:05:48

22 Q. Did you at any point up until today recommend 15:05:51

23 that there be any changes -- security measures to the 15:05:54

24 information contained on the SVN repository? 15:06:00

25 MR. BAKER: Objection to form. 15:06:02

HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

		Page 238
1	have to have permission to use the system; fair?	15:15:06
2	A. Any interaction with the server has to be	15:15:08
3	checked against the access control list.	15:15:12
4	Q. And do you know today how many people are on	15:15:15
5	the access control list for this repository?	15:15:19
6	A. I don't know.	15:15:20
7	Q. All those people that you investigated, they	15:15:26
8	were all on the list; right?	15:15:27
9	A. I don't know, actually. If I were -- if I	15:15:32
10	were to conjecture, I don't actually think that all of	15:15:36
11	them were.	15:15:36
12	Q. And then after -- you say, "We all do full	15:15:40
13	checkouts and it makes me uncomfortable to think that	15:15:43
14	lawyers are trying to ascribe suspicion to it."	15:15:47
15	Do you see that?	15:15:48
16	A. I do see that.	15:15:49
17	Q. Those words are pretty self-explanatory, but	15:15:51
18	what you meant there was that you don't want lawyers	15:15:54
19	saying that just because somebody downloaded the	15:15:57
20	entire database, that means that there's something	15:15:58
21	fishy going on; right?	15:16:02
22	MR. BAKER: Objection to form.	15:16:03
23	THE WITNESS: So, clearly, the lawyers had quite a	15:16:05
24	bit more context than I had at this point in the	15:16:08
25	investigation.	15:16:09

HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

		Page 239
1	BY MR. GONZALEZ:	15:16:09
2	Q. Right.	
3	But regardless of whatever they knew, your	15:16:10
4	state of mind, when you wrote this e-mail, was that	15:16:12
5	you didn't want lawyers suggesting to anyone that it	15:16:15
6	was suspicious to download the entire database because	15:16:18
7	you knew that that's how you programmed the	15:16:20
8	instructions to operate; correct?	15:16:21
9	MR. BAKER: Counsel, if you can let the witness	15:16:24
10	finish his answers, please.	15:16:27
11	MR. GONZALEZ: I thought he did.	
12	MR. BAKER: And objection to form.	15:16:29
13	THE WITNESS: That was long. Could you repeat	15:16:30
14	that, please.	15:16:32
15	BY MR. GONZALEZ:	15:16:32
16	Q. Yeah.	15:16:32
17	The reason why it was making you	15:16:34
18	uncomfortable that lawyers would ascribe suspicion to	15:16:39
19	downloading the entire repository is because you knew	15:16:42
20	that anybody who followed your instructions would	15:16:46
21	automatically download the entire repository; true?	15:16:50
22	MR. BAKER: Objection to form.	15:16:51
23	THE WITNESS: I was concerned about setting a	15:16:55
24	precedent for that one action in isolation being in	15:17:02
25	and of itself a marker of suspicion.	15:17:06

HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

Page 317

1 FEDERAL CERTIFICATE OF DEPOSITION OFFICER

2 I, ANRAE WIMBERLEY, CSR NO. 7778, do hereby
declare:3 That, prior to being examined, the witness named
in the foregoing deposition was by me duly sworn
4 pursuant to Section 30(f)(1) of the Federal Rules of
Civil Procedure and the deposition is a true record of
5 the testimony given by the witness;6 That said deposition was taken down by me in
shorthand at the time and place therein named and
thereafter reduced to text under my direction;7 ----- That the witness was requested to
8 review the transcript and make any changes to the
transcript as a result of that review pursuant to
9 Section 30(e) of the Federal Rules of Civil Procedure;10 ----- No changes have been provided by the
witness during the period allowed;11 ----- The changes made by the witness are
12 appended to the transcript;13 ----- No request was made that the transcript
be reviewed pursuant to Section 30(e) of the Federal
14 Rules of Civil Procedure.15 I further declare that I have no interest in the
event of the action.16 I declare under penalty of perjury under the laws
17 of the United States of America that the foregoing is
true and correct.18 WITNESS my hand this 7th day of September, 2017.
19
20
21
22
2324 <%signature%>
25 ANRAE WIMBERLEY, CSR NO. 7778